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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusationy Against:

Case No. 2010-100

12 **EVELYNNE LEE DRINKER**
13 **a.k.a. Evelynne Lee Drinker-Petre**
14 **a.k.a. Evelynne Lee Petre**
15 **P.O. Box 247**
16 **Carmichael, CA 95609**

A C C U S A T I O N

17 **Registered Nurse License No. 385010**
18 **Public Health Nurse Certificate No. 39405**

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about March 31, 1985, the Board of Registered Nursing issued Registered
25 Nurse License Number 385010 to Evelynne Lee Drinker a.k.a. Evelynne Lee Drinker Petre a.k.a.
26 Evelynne Lee Petre (Respondent). The Registered Nurse License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on August 31, 2010, unless
28 renewed.

3. On or about December 12, 1985, the Board issued Public Health Nurse Certificate Number 39405 to Evelynne Lee Drinker (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2010, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency.

1 The report of the examiners shall be made available to the licentiate and may be received as direct
2 evidence in proceedings conducted pursuant to Section 822."

3 9. Business and Professions Code section 821 provides that:

4 The licentiate's failure to comply with an order issued under section 820 shall constitute
5 grounds for the suspension or revocation of the licentiate's certificate or license

6 10. On or about August 18, 2009, Louise R Bailey, M.Ed, RN in her official capacity as
7 the Interim Executive Officer filed a Petition to Compel the Psychiatric Evaluation of Evelynne
8 Drinker, Respondent."

9 11. On or about August 20, 2009, the Board issued an order compelling the psychiatric
10 evaluation of Respondent. The order states in pertinent part; "The respondent submit to an
11 evaluation to be conducted by a physician and surgeon specializing in psychiatry, or by a
12 psychologist selected by the Board, or its designee, to determine whether she is mentally or
13 physically ill to such an extent as to affect her ability to practice registered nursing safely; 2. That
14 the evaluation of Respondent shall be conducted at a time mutually convenient to Respondent and
15 the examiner selected by the Board, but in no case later than thirty (30) days after the service of
16 this Order."

17 12. On or about August 27, 2009, Constance A. Ward, an employee of the Department of
18 Justice, served by Certified and First Class Mail a copy of the Petition to Compel Psychiatric
19 Evaluation No. 2010-100 and the Board's Order to Respondent's address of record with the
20 Board, which was and is:

21 P.O. Box 247
22 Carmichael, California 95609

23 13. Respondent has made numerous phone calls and sent faxes to the Board, but has not
24 agreed to submit to the Board's order compelling a psychiatric evaluation. Respondent has failed
25 to schedule an appointment for the evaluation to take place.
26
27
28

1 CAUSE FOR DISCIPLINE

2 (Failure to comply with a Petition to Compel Psychiatric Evaluation)

3 14. Respondent is subject to disciplinary action under section 821 in that she has failed to
4 comply with the Board's Order to compel psychiatric examination which was issued on August
5 20, 2009 in that she has failed to schedule and appear for an evaluation as required .

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

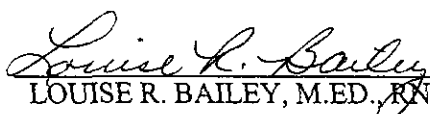
9 1. Revoking or suspending Registered Nurse License Number 385010, issued to
10 Evelynne Lee Drinker.

11 2. Revoking or suspending Public Nurse Certificate Number 39405, issued to Evelynne
12 Lee Drinker.

13 3. Ordering Evelynne Lee Drinker to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.
17

18 DATED: 10/21/09 .


19 LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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